

## HURLEY HAS DATA FOR SHIP POLICY

Announces Intention of Returning Soon to Present Information.

CONFIDENT OF SUCCESS

Believes U. S. Will Overcome Difficulties in Merchant Marine Problem.

Paris, Jan. 28.—Edward N. Hurley, head of the Shipping Board, announced today his intention of returning to the United States on the Leviathan when he sails again from France after his examination here into problems connected with the merchant marine.

Mr. Hurley said he felt certain that the American people had determined to have and to maintain a merchant marine sufficient to take care of their own shipping and to be dependent on the shipping of other nations for their foreign trade, and that the demand for such a shipping programme was virtually unanimous.

As soon as the armistice was signed, he continued, he had recognized that a great many questions would arise in connection with the American shipping programme that would require first hand knowledge of what was planned to be done by the other nations engaged in shipping, and he had come to Europe in this connection.

Mr. Hurley said that now that the war pressure had been relieved, Americans and others interested in them in shipping under American registry were anxious for definite information concerning future plans for a merchant marine.

What is the character and extent of the Government construction programme?

What is the plan for continuing Government operation?

If Government operation is to be discontinued, on what basis will the ships be operated privately and to what extent will Government control be maintained?

Collateral to these questions, but also of great importance are those that relate to the number and type of ships to be built and whether certain types of ships already constructed shall be authorized for foreign account.

Mr. Hurley also said that within the last sixty days he had secured much information on the construction programme, operating problems, general plans of the other maritime powers, and that the information obtained had particular reference to the questions now under discussion in the United States.

He feels that as a result of his investigations he will be able on his return to the United States to present information and data obtained while in England which will bear directly on the questions involved and should be of great assistance in determining the best future policy for the American merchant marine.

Some of the other maritime powers, Mr. Hurley added, through official and unofficial agencies, have felt called upon to intimate the belief that the United States will have many difficulties in constructing and maintaining a suitable and adequate merchant marine, but that his investigations did not lead him to believe that the difficulties confronting the United States were in any sense insuperable.

In fact, that he was convinced that a construction and operation programme could and will be developed which would give to the United States what her people desired in this connection.

No definite action on the various problems will be taken until the result of his investigations can be presented. Mr. Hurley said that he was fully aware of the urgency of the settlement of all these collateral questions, and for that reason he contemplated making an early return to America to lay before the Shipping Board, as well as the Senate Commerce Committee and the House Committee on Merchant Marine, the results of his investigations, so that the board may, after considering all the European phases of the situation, make suggestions and recommendations to the President for a general policy.

Referring to his appointment with Samuel Gompers as the American representative on the International Labor Conference, Mr. Hurley said that his discussion in America of the shipping situation would not interfere with his work in connection with the labor committee.

**U. S. TO SELL ALL OF SMALLER SHIPS**

Funds to Be Used for Fast Steel Vessels.

Special Dispatch to The Sun.—Washington, Jan. 28.—All of the small ships now owned by the United States Shipping Board are to be sold on the market as soon as possible. A large part of the proceeds from the sale of the ships is to be used for the construction of fast steel vessels.

The sale of steel ships as well as the small wooden ones was contemplated in the programme for the first time. The vessels are to be offered as part of the general programme for construction of shipsbuilding from emergency war building to permanent peace operations in turning out vessels fitted to meet foreign competition. The new vessels will be for practical peace service, with a view to economy and speed.

The sale of the vessels will be to be utilized in building big and fast steel ships suitable for both passenger and freight service, as fast as trade routes are known.

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## PROBLEM OF LABOR TO GET WIDE AIRING

All Elements Represented at Meeting Which Launches Investigation.

Steps were taken at a meeting at the Railroad Club, 30 Church street, yesterday, to create a committee representing labor, the public and employers, to deal in a practical manner with the labor problem, with special reference to cooperative plans for use in factories.

The movement started, it was explained, as an outgrowth of the investigation being made by the research bureau of the State of New Jersey into economic conditions at the suggestion of the New Jersey State Chamber of Commerce.

H. R. Heydon, secretary of the Chamber, presided. Fifty representatives of labor and capital were present.

Before the detailed discussion of plant plans, Mr. Heydon said that the industrial situation today is a serious one. The question that must be answered is whether we are going to proceed in an orderly manner to the solution of our economic problems, or sit idle and allow force and violence to enter our national life, as we have seen it across the sea. There is no time to be lost in setting our industrial house in order. Proper cooperation between labor and capital is urgently needed.

Mr. Heydon said that the joint labor board upon which employers and workers were represented, which had been used during his term as president of the United States, had proved successful. He hoped that the "paternalistic welfare work" being done by employers would be supplanted by genuine cooperation.

It will be suicidal to cut wages before the cost of living is lowered," he declared. "We must not tamper with human material in such a manner."

Two speakers appeared for the Federal Board for Vocational Education, and in the discussion of plant conditions several employers made brief speeches. They were frequently interrupted by the men to give further information.

A considerable part of the discussion was over a board of operatives in the Garment and Textile Industries, which was proposed by the American Federation of Labor, and the factory committee of the Hercules Powder Company, Kenilworth, N. J., where it was said the "autocratic" foreman had been done away with and an excellent spirit of cooperation maintained.

The following committee was appointed to be voted on at the next meeting, with the understanding that it will have power to supervise a complete industrial investigation:

J. P. Coughlin of Brooklyn and W. J. Carney of the International Association of Machinists, representing organized labor; Theodore Woods of the Connecticut Milk Company and Leopold Demuth of William Demuth & Co., representing employers in plants having a cooperative system; Markus M. Marks and George Gordon Battle, representing the public; Edward Wilson of the Midvale Steel Works, and H. F. J. Porter of the Hercules Powder Company, representing employees in plants with a cooperative system.

**PRIMARY APPEALS ARGUED.**  
Federal Corrupt Practices Act Is Attacked in Supreme Court.

Washington, Jan. 28.—Constitutionality of the Federal corrupt practices act in so far as it affects primary elections was attacked in the Supreme Court today during arguments on appeals from contempt proceedings growing out of the refusal of Frank W. Blair, Allan A. Templeton and Thomas P. Phillips to answer questions before a Federal Grand Jury in New York which was investigating primary expenditures of Truman H. Newberry, Republican Senator-elect from Michigan.

Martin W. Littleton for the defendants, urged that neither the Federal court nor the Grand Jury could inquire into the method or manner of holding primary elections in any State. Assistant Attorney-General Claude R. Porter contended that Congress gave this authority under its power to enact legislation designed to protect elections of Representatives and Senators.

To supplement the pending resolution proposing immediate Congress investigation of the Ford-Newberry contest, Chairman Pomeroy (Ohio) of the Senate Elections Committee introduced a resolution today to extend the committee's powers to inquire into recent charges made against Mr. Ford by Mr. Newberry. The new supplement went over to be considered with the original resolution, referred to the Contingent Expenses Committee, and which Republicans plan to oppose vigorously.

**DIES IN ROOM WITH FATHER.**  
Son's Body Is Discovered Three Days Later.

For the last nine years John Miller, a private detective employed by the Longfellow Agency in Manhattan, lived in Mrs. Lena Martin's furnished room house at 356 Halsey street, Brooklyn, with his father. The elder Miller, whose name also is John, is 90 years old and suffering from arthritis. Mrs. Martin last saw the son, who is 60, Saturday forenoon when he visited a bakery and returned with a parcel under his arm. He appeared frequently at the window.

Yesterday Mrs. Martin became suspicious and went to the Ralph Avenue police station. Policeman James Brown returned home with her and forced the door of the room occupied by the father and son. The latter was stretched upon a couch dead. Dr. Cudmore, who came with an ambulance from Bushwick Hospital, said he must have died at least three days ago and that apoplexy was the cause. Although the elder Miller has not been out of the room, Dr. Cudmore said it was doubtful if he understood what had happened. The old man looked on in mild surprise as his son's body was carried out of the room.

## B. R. T. WINS FIGHT FOR VENUE CHANGE

Court Orders Malbone Street Wreck Cases Tried in Nassau County.

"PREJUDICE IN KINGS"

Justice Callahan Ready to Designate Another County by Agreement.

The application for a change in the place of trial made early this month by the five officials and one motorman of the Brooklyn Rapid Transit Company, indicted for manslaughter as a result of the wrecking of a Brighton Beach train last November, was granted yesterday in the Supreme Court, Brooklyn, when Justice Callahan ruled that the defendants may be tried in Nassau county instead of in Kings.

Ninety-three lives were lost in the wreck of the train and 260 passengers were injured. The train, wrecked in a newly constructed cut near Malbone street in Flatbush, was in charge of Edward Luciano, a train dispatcher, who was acting as an emergency motorman because of a strike of regular motormen which had been called that morning.

Luciano was indicted, with Col. Timothy S. Williams, president of the B. R. T.; John J. Dempsey, vice-president and manager of transportation; J. H. Hallcock, president of the Consolidated Railroad Company, the corporation directly operating the Brighton Beach line; W. S. Menden, assistant to Col. Williams; and Thomas F. Blewitt, superintendent of the southern division of the Brighton.

In the opinion, more than 4,000 words in length, accompanying his decision, Justice Callahan takes account of the public clamor which followed the wreck.

denunciatory articles in newspapers and sermons by clergymen and of the fact that Mayor Hylan sitting as a Magistrate, presided over the hearing which preceded indictments by the Grand Jury. He gives it as his belief that a fair trial would be practically impossible in Kings county. His direction that the trials be had in Nassau county is made because of its accessibility to Brooklyn, but is left subject to any agreement between District Attorney Lewis and the defendants to have the trials in any county.

In his decision Justice Callahan says in part: "Has there been engrafted onto the mind of the average man the belief that these defendants are guilty? It is difficult for me to understand how a campaign for the conviction of the defendants could have been carried with more effectiveness than that which has been conducted in this county since the unfortunate accident."

"It rivals the efforts of a well-organized corps of propagandists. Prejudice, invidious in its nature, was so gradually and firmly implanted into the minds of the people of the community that it is difficult to remove it. The public press has lost no opportunity in proclaiming these defendants guilty."

"Ministers of the gospel have from the pulpit denounced the defendants and proclaimed their guilt. An organization was formed in this county from among the relatives of victims of the wreck, and a desire for vengeance has been expressed in public meetings by the members of this organization, which has by resolution declared it would do everything in its power to bring about a conviction of the defendants. An organization of labor men has in effect declared the guilt of the defendants, and this latter organization has said the catastrophe was caused through the fault of the railroad management in failing to deal fairly with their employees, thereby causing a number of experienced railroad men to quit work."

"The proceedings at which these defendants were expressed have been given wide publicity. A public hearing was had by the Mayor sitting as a Magistrate. The newspapers have announced his intention of reaching the men higher up."

The hearing conducted before him was given the widest publicity, photographs of the defendants were taken upon arraignment and published in the newspapers and, in fact, the defendants were tried and convicted in the eyes of the public opinion before an indictment was found against them.

"The right of a defendant to remove the place of trial has come to us from the common law and has been incorporated in our statutes. It is not the subject of judicial discretion. The question of determining the existence of bias and prejudice must be decided by the court in the name of justice. Neither does it imply in this case that twelve men could not be found in Kings county who would give the defendants a fair and impartial trial. Such would be a serious indictment of the men of Kings county qualified to sit as trial jurors."

"I have accordingly selected Nassau county as the place where I believe a fair and impartial trial can be had and where a jury can enter into the trial of these actions free from local prejudice and bias."

**MILK AGREEMENT OBSERVED.**  
Governor's Commission Finds It Is Working Satisfactorily.

The Governor's milk commission met yesterday at the office of Robert E. Dowling, 145 Broadway, for the first time since the settlement of the milk strike. The purpose was to find out how the agreement is being observed by producers and distributors. It developed that in the main the agreement is working well. A dozen instances of difficulties between farmers and dealers were reported. Four of five distributors, summoned before the commission agreed to a settlement of the differences then and there. Other cases will be taken up at a meeting on Friday.

The commission is working on a plan by means of which it is expected the farmers and dealers will do business in the future without the friction of the past.

## O'LEARY CAUTIOUS IN PICKING JURY

Only Five Talesmen Accepted So Far Tentatively by Defence.

After Federal Judge Hand overruled yesterday two motions made in behalf of Jeremiah A. O'Leary by Col. Thomas B. Fidler and associate counsel the trial of the Irish agitator and his confederate Adolph Stern on an indictment charging conspiracy to obstruct the operation of the draft and violation of the espionage law went ahead. The indictment alleges culpability by O'Leary in connection with articles and cartoons published in *Bull*, an anti-British paper, in the management of which O'Leary was the chief figure.

The work of getting a jury promised to occupy at least another full court day. When Judge Hand adjourned court at 7 o'clock last night only five prospective jurors had been tentatively accepted by the defence. H. Snowden Marshall and James W. Osborne 2d, for the Government, had not examined any of the talesmen, and only O'Leary's counsel had exercised peremptory challenges of prospective jurors. These were reported to in the cases of talesmen, who confessed membership in the American Protective League and the American Defence Society.

Arthur O'Leary, a younger brother of Jeremiah, conducted much of the examination of the talesmen. He wanted to know from the prospective jurors whether the fact that Jeremiah had been an associate of German Americans would prevent their giving him a fair trial.

Of talesmen O'Leary's counsel asked: "Do you know Lord Northcliffe, Andrew Carnegie, J. P. Morgan, James W. Hearst, Henry Watterson, Sir Gilbert Barker or Arthur J. Rafferty?"

O'Leary's counsel devoted more than an hour to an examination of James Ellsworth, advertising manager of the American Telephone and Telegraph Company, who was finally accepted tentatively as a juror, despite whispered

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**PAPER MEN WIN AWARD.**  
War Labor Board Empire Finds Against International Company.

WASHINGTON, Jan. 28.—In interpreting an award of the National War Labor Board, John Lind, umpire, has ruled that bonuses or premiums given by the International Paper Company to its employees shall not be counted as increased wages and as such used to offset back wages ordered paid by the decision of the board. He also has ruled that the eight hour day, as applied to employees within the milling plants and the nine hour day as applied to employees in outside operations shall not be interpreted so as to cause a reduction in wages to any employees.

The War Labor Board announced today that it had approved both interpretations.



(On December 7, 1918, the Alien Property Custodian of the United States sold the entire holdings of the Bosch Magneto Company which have been taken over by an American Manufacturing Corporation. The Personnel was submitted to the Custodian before sale)

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